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MAIN COMMITTEE II

SUMMARY RECORD OF THE 4th MEETING

Held at United Nations Headquarters, New York,
on Wednesday, 26 April 1995, at 10.30 a.m.

Chairman: Mr. ERDÖS (Hungary)

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The meeting was called to order at 10.30 a.m.

IMPLEMENTATION OF THE PROVISIONS OF THE TREATY RELATING TO NON-PROLIFERATION OF NUCLEAR WEAPONS, SAFEGUARDS AND NUCLEAR-WEAPON-FREE ZONES: CONSIDERATION OF WORKING PAPERS (NPT/CONF.1995/MC.II/CRP.2; NPT/CONF.1995/MC.II/WP.1, WP.2, WP.6 and WP.10)

1. The CHAIRMAN said that the purpose of the meeting was to discuss the progress made towards consensus and agreed language concerning non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones. Two days previously he had circulated a proposal (NPT/CONF.1995/MC.II/CRP.2) covering a number of points, including non-proliferation of nuclear weapons and safeguards, which could, if there was no objection, provide a possible structure for the discussion. The Committee had before it a number of working papers (NPT/CONF.1995/MC.II/WP.1, WP.2, WP.6 and WP.10) which would be introduced by their authors later in the meeting.

2. Mr. TATAH (Algeria) thanked the Chairman for preparing NPT/CONF.1995/MC.II/CRP.2, but said that, the prerogatives of Main Committee III notwithstanding, the proposal contained in that document, which was supposed to provide a possible structure for the discussion, took insufficient account of article III, paragraph 3, of the non-proliferation Treaty, concerning the implementation of safeguards, and of article IV, under which all the parties to the Treaty undertook to facilitate, and had the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. It was true that some of those concerns could be glimpsed in the Chairman's proposal, but the headings under which they were included modified their scope somewhat, for they were approached from an angle different from that prevailing when they were incorporated in the Treaty. His delegation considered that the Chairman's proposal could be improved, and that in particular the ninth line of point 2 should be emphasized, in accordance with the conclusions of the Chairman of the Board of Governors of IAEA who, at the March 1995 session of the Board, had noted certain reservations expressed while at the same time endorsing the general outline of Programme "93 + 2".

3. The CHAIRMAN said it had been his understanding that most, if not all, delegations deemed his proposal acceptable and thought that it could serve as a basis for the Committee's discussion. He would prefer recommendations to be made and changes proposed during consideration of the points to which they related, for otherwise the work might be delayed. When introducing his proposal he had emphasized that it was a purely indicative list that should be completed by specific proposals, the basic objective of the discussion being the preparation of a final text. He therefore invited delegations to make specific proposals concerning the headings or texts they would like to see added to his proposals.

4. Mr. BAIDI-NEJAD (Islamic Republic of Iran) said he saw no reason why document NPT/CONF.1995/MC.II/CRP.2 should not serve as a basis for the discussion, since it was a purely indicative document and not a straight-jacket; however, he hoped that the Committee could begin its substantive debate quickly. His delegation had some reservations about certain aspects of point 8, in

remained a nuclear arsenal not subject to international verification and control.

6. The consolidation of the de facto situation, which seemed to consist in requiring all the Middle East States, with the exception of Israel, to conform to the non-proliferation regime, would perpetuate a serious imbalance that threatened the security and stability of the region, which was unacceptable. Accordingly Syria reaffirmed that all States, including Israel, must accede to the Treaty, which would thus become universal and would have attained its objectives on a non-discriminatory basis.

7. Mr. ELIASEN (Denmark) welcomed the progress made since the 1990 Conference: the nuclear-arms race had been reversed and an impressive number of nuclear weapons were being destroyed every year under the START I and START II agreements and the Lisbon Protocol. In addition a number of nuclear-weapon States had unilaterally decided to dismantle large numbers of short- and intermediate-range nuclear weapons. It now seemed possible to conclude a comprehensive test-ban treaty that would prevent vertical and horizontal proliferation and the development of new generations of advanced nuclear weapons and that would greatly strengthen global security. Such a treaty should be followed by a convention to prohibit the production of fissile materials. Denmark welcomed the positive developments in that regard at the Conference on Disarmament and looked forward to the beginning of the work of the ad hoc committee on the question.

8. All the multilateral and bilateral agreements depended on the Non-Proliferation Treaty, which must be strengthened and made universal. Denmark favoured the indefinite and unconditional extension of the Treaty. Non-proliferation must be considered a global norm of behaviour.

9. Articles I and II, dealt with by Main Committee I, contained the basic obligations of the Treaty. The nuclear Powers had reaffirmed their compliance with article I. Regarding article II, Denmark supported the efforts undertaken to strengthen the effectiveness of the IAEA system of safeguards.

10. Mr. DUPREEZ (South Africa) welcomed the recent statements by the nuclear-weapon States regarding respect for the obligations arising under article I, as well as the statements by other, non-nuclear-weapon States concerning application of article II of the Treaty, as constituting a sound basis for the creation of an environment of global security. Respect for the Treaty and its universality were the best guarantees of non-proliferation. That was why South Africa had renounced its nuclear arsenal and decided to become party to the Treaty. Since the latter had entered into force, the number of potential nuclear States had decreased. A certain number of States, including South Africa, had renounced the nuclear option and had joined the non-proliferation regime. In the view of South Africa regional security must be based on comprehensive nuclear disarmament. The non-proliferation Treaty would give Africa greater security than nuclear arsenals such as that which South Africa had destroyed.

11. At the last meeting of the Committee several delegations had wondered how the non-nuclear-weapon States succeeded in acquiring nuclear weapons without

transfers of the technology, materials and equipment needed for their production by the nuclear Powers or other States. South Africa's experience might provide an answer to that question: a State with significant fuel cycle activities and an advanced technological infrastructure could equip itself with a nuclear capability through domestic enrichment processes and very simple equipment. In that regard the export control regime could play only a very limited role.

12. Until very recently southern Africa had been in the throes of conflict and great instability; nuclear weapons had been seen as offering the best assurance of security. South Africa's example should show both potential nuclear States as well as acknowledged nuclear Powers that disarmament was the way forward. South Africa had abandoned its programme of nuclear deterrence once the international climate had improved. His Government was convinced that it was not enough to prevent the proliferation of nuclear technology through a system of export controls and safeguards, but that the security concerns of States, particularly in a regional context, must be adequately addressed.

13. The CHAIRMAN recalled that it was the Committee's task to conduct a substantive review of articles I and II and preambular paragraphs 1 to 3. He urged delegations not to fall back on fixed positions but to demonstrate a spirit of conciliation so that the Committee could reach agreement on an acceptable document.

14. Mr. FRASER (Secretary of the Committee), introducing document CRP.2, said that the Secretariat had endeavoured to identify the key concepts in the statements made in the Committee and in the Conference itself, as well as in the documents submitted. Certain sections of the document used wording adopted by previous review conferences.

15. The CHAIRMAN said that he hoped that the Committee would seek to adopt a text that was as concise as possible. The Secretariat document was based on texts which had already been adopted, while reflecting discussion at the current Conference. It offered a useful working basis.

16. Mr. TAYLHARDIT (Venezuela), while recognizing the usefulness of the document, said it should be considered only as a significant contribution to the formulation of a text that would reflect the outcome of the Committee's work, and not as a working basis.

17. Mr. PATOKALLIO (Finland) said that it was regrettable that the document had been prepared by the Secretariat and not by the Chairman, and supported the representative of Venezuela: the Committee would have a genuine basis on which to proceed with its work only when it had a document incorporating all the proposals made by delegations. He asked whether the Committee would establish a drafting group at the conclusion of the general debate.

18. The CHAIRMAN said that it was the Secretariat which had submitted the document precisely because not all the proposals to be formulated by delegations were reflected. It should be remembered that the Committee would meet as a drafting group.

19. Mr. ERRERA (France) said he shared the Venezuelan representative's view that the document was merely one of the elements for discussion and not a working basis, since delegations could still make contributions, which would have to be included in the document before it could be considered such a basis. He would subsequently submit proposals on behalf of the European Union.

20. Mr. LATSENAK (Belarus) thanked the Secretariat for preparing the document, thereby providing the Committee with an initial basis for its work. However, he shared the opinions expressed by previous speakers inasmuch as the document did not reflect all the positions which had emerged in the course of the discussions. In particular, it lacked a whole series of important ideas and information with respect to certain political changes and measures taken by countries which had greatly helped to strengthen the non-proliferation regime. Within both the plenary Conference and the main committees many delegations had repeatedly emphasized the important contributions to the strengthening of international security of three countries previously belonging to the former Soviet Union, namely, Byelorussia, Kazakhstan and Ukraine, which had all three adopted drastic nuclear disarmament measures. Since the document did not reflect those facts, it could be used as a contribution but could not constitute a basic document.

21. The CHAIRMAN endorsed the comments made by delegations and deplored the paucity of written contributions received. He stressed the need to make the best use of the time and premises available to the Conference and reminded the Committee that the negotiations proper were due to begin the following day. Accordingly, unless previously announced, no new written contributions could be accepted. In his view, document CRP.2 reflected what had been said thus far. He invited delegations to submit specific proposals.

22. Mr. SCHEINMAN (United States of America) said that documents CRP.3 and CRP.4 were really not so much working documents as information documents. He suggested that the Committee should hear the proposals and differing views and that the Secretariat should summarize them for the following day's discussion. He regarded document CRP.2 as interesting but too concise and thought that it needed to be rounded out with other proposals in order to provide a sound working basis.

23. Mr. ERRERA (France) introduced document CRP.6 on behalf of the 15 countries members of the European Union and outlined the most important points. First, it reaffirmed the importance to international peace and security of the full implementation of the provisions of the Treaty. Secondly, the Conference noted with satisfaction that the Treaty had become almost universal and that South Africa and a number of States previously belonging to the former Soviet Union had acceded as non-nuclear-weapon States. Thirdly, the Conference invited those States which had not yet acceded to the Treaty to do so without delay. Fourthly, the Conference reaffirmed the determination of all States parties to prevent the proliferation of nuclear weapons without hampering the peaceful uses of nuclear energy, and in that regard it stressed the importance of the statement made by the President of the Security Council, on behalf of the members of the Council, at the meeting held on 31 January 1992 at the level of heads of State or Government, namely that "the proliferation of all weapons of mass destruction [constituted] a threat to international peace and security".

Fifthly, the Conference welcomed positive developments in the international situation which had helped to lessen the danger of nuclear war. Sixthly, the Conference expressed concern about violations of the Treaty and underlined the need for all parties to the Treaty to comply scrupulously with their obligations. Such was the substance of the elements which the Committee's report should take into account.

24. Mr. KAREM (Egypt), introducing document CRP.5, said that his delegation had already expressed its general position and that the document it was introducing was exclusively concerned with the question of Israel. The first paragraph reproduced the wording of the paragraph of the final document of the Third Review Conference, in 1985, which referred to South Africa and Israel and which it seemed essential to reproduce since Israel remained a problem. The terminology used in the second paragraph came from the resolutions adopted every year by the General Assembly on the establishment of a nuclear-weapon-free zone in the region of the Middle East and the resolution adopted every year by consensus in IAEA. The third paragraph dealt with the question of exports of nuclear equipment, material and information to Israel. He felt bound to add that, when document CRP.2 had been introduced, he had been disappointed and amazed to find that paragraph 6 of that document did not reflect Egypt's views. In view of the omission, it would not be superfluous for his delegation to highlight that question and provide some background.

25. The presence of a country which was implementing a non-peaceful nuclear programme only a few kilometres away from the frontiers of Egypt and other Arab countries that had renounced the acquisition of nuclear weapons was very alarming, for Egypt was anxious to safeguard peace and security in the region, which had suffered so much from war. The case of South Africa was similar, with the presence of nuclear weapons representing a danger for the whole of southern Africa, and that country's courageous decision to renounce its nuclear programme, thereby placing the interests of the region as a whole above those of a single nation, was most commendable.

26. The Middle East was currently in need of a lasting peace whose cornerstone should be security, without which the economic development of the region would be hampered. That was the inner conviction which had impelled Egypt to sign the Treaty on 1 July 1968, although it had been unable to ratify the Treaty because Israel had refused to accede to it. In 1974, when the danger of a nuclear apocalypse had appeared imminent, Egypt had taken the initiative of including in the agenda of the General Assembly an item on the establishment of a nuclear-weapon-free zone in the region of the Middle East in the belief that it was evident that all the countries of the region should renounce nuclear weapons and accede to the Treaty. An appeal to that effect had been included in all the resolutions subsequently adopted on the subject.

27. Once the peace process had begun to gather momentum and Egypt had initiated the negotiations leading to the Camp David Accords, it had submitted to Israel a detailed document emphasizing the imperative need to apply the nuclear non-proliferation regime in the region and requesting it to accede to the Treaty. On 26 February 1991, Egypt had ratified the Treaty in the hope that its ratification would persuade Israel to accede, but that hope had not been realized.

28. In 1989, at the Conference on chemical weapons in Paris, Egypt had stated on 8 January that the question of chemical weapons should not be separated from the question of the proliferation of other weapons of mass destruction, especially nuclear weapons. It had held that it was illogical that certain countries of the Middle East should continue to possess nuclear weapons and to refuse to allow inspections, and that the success of a convention completely banning chemical weapons called for a symmetrical commitment of all the countries of the region.

29. In 1990, President Mubarak had submitted his proposal on the establishment of a zone free of weapons of mass destruction and, in July 1991, the Egyptian Minister for Foreign Affairs had sent a letter to the Secretary-General of the United Nations listing numerous proposals on the subject of arms control and disarmament in the Middle East and emphasizing the need to create security in the region on the basis of equilibrium and equality and to establish a denuclearized zone.

30. In 1991, under the aegis of IAEA, Egypt had submitted to the Agency a new resolution on the need to apply a full-scope safeguards system, assigning a specific role to the Agency and its Director-General, who had visited the region and then reported on the subject to the Agency.

31. In July 1993, when it had been recognized that Egypt's requests had not been satisfied, Egypt had expressed its regret at being unable to attend the ceremony for the signature of the Convention on the Prohibition of Chemical Weapons, stating that it envisaged the Convention as part of a zone free of all weapons of mass destruction that should be instituted in the Middle East, and it had again invited Israel to accede to the Treaty and to subject all its facilities to IAEA inspection.

32. The Middle East did not lack machinery for the purpose: the multilateral group on arms control and regional security had been established to enable all the countries of the region, including Israel, to meet and discuss relevant issues. The group had submitted a number of proposals on the need to establish a denuclearized zone in the Middle East. In the course of four years of arduous work, it had become apparent that Israel had not changed its position at all. Appeals to Israel, then, were nothing new, and the fact that past appeals had never been heeded needed to be emphasized in the Committee.

33. Mr. HASAN (Iraq) observed that a delegation had arranged for the circulation in document CRP.3 of Security Council resolution 707 (1991), which had been adopted four years previously, a fact which cast doubt on its relevance. The documents circulated should have a direct bearing on the work of the Committee, for otherwise it would be overburdened.

34. In order to ensure that the members of the Committee were aware that Iraq had implemented Security Council resolutions 687 (1991), 707 (1991) and 715 (1991), his delegation had requested distribution of the report of the Director-General of IAEA (S/1995/287), paragraphs 48 and 49 of which confirmed the continuous presence of IAEA inspectors in Iraq. Consequently, incriminating directly Iraq and Iraq alone would be outside the field of competence of the

Conference and would even run counter to its spirit, for it would lead the Conference to take a political approach, although it was not supposed to do so.

35. The case of Iraq had been greatly exaggerated; Iraq had indeed postponed declaring its installations in order to prevent them from being destroyed as had occurred in 1981. However, Iraq was not the only State that had committed violations. Although Iraq knew that such violations were numerous, it could not provide detailed information about them because it did not have satellites or sophisticated information services, but it knew about them from the press and from communications issued by IAEA and Greenpeace. It would suffice to cite a number of examples: that of Luxembourg, for instance, which in 1985 had delivered uranium to Israel, or the Eastern European country which had withdrawn irradiated fuel without informing IAEA but had been congratulated on its declaration when IAEA had finally been informed. That showed clearly that two different standards were being applied. On 19 April 1995 Le Monde had published a Greenpeace report on countries which had violated the obligations they had accepted under the Treaty, in particular the United States and certain European countries: 500 nuclear warheads had been transferred to 16 bases in Europe. Furthermore, the head of the Belgian air force had stated on 20 April 1995 that his arsenal contained nuclear warheads. Greenpeace had also provided information on violations of the rules on export of nuclear materials (in that particular case, highly enriched plutonium) by the United States and another non-nuclear State which was a party to the Treaty. If there were weak links in the safeguards system, steps should be taken to eliminate them instead of transforming the problem as a whole into a political question.

36. The CHAIRMAN reminded the members of the Committee that statements should not exceed five minutes.

37. Mr. SUKAYRI (Jordan) said he fully shared the views expressed by Egypt in document CRP.5; Egypt's position was identical to that of Jordan. Jordan's views on Israel's nuclear capability had been expressed in the General Assembly, in the First Committee, in the debate in the United Nations Disarmament Commission and recently in the statement by the Jordanian Minister for Foreign Affairs to the plenary Conference on Wednesday, 19 April. In that statement, the Minister had observed that the intransigence of Israel and its refusal to accede to the non-proliferation Treaty, as desired by the international community, would prevent the establishment of a climate of confidence in the region and would reinforce ideological barriers while impeding the international community's peace efforts.

38. It would be impossible to convince the States of the region that Israel seriously wanted a lasting peace in the Middle East if it continued to refuse to accede to the Treaty and submit its installations to the IAEA safeguards system.

39. Mr. EFFENDI (Indonesia) said that, as delegations had been urged to submit written proposals, a contact group of the Non-Aligned Movement had just informed him that the next day or the day after that it would submit a document concerning article I, article II and the first, second and third preambular paragraphs of the Treaty, consideration of which had been referred to Main Committee I.

40. The CHAIRMAN said it would be desirable for the document to be submitted a little earlier. It was his understanding that other groups likewise wished to submit written proposals. That being so, he would extend the time-limit for the submission of proposals, which had initially been 25 April. He would also arrange for preparation of a new version of document CRP.2 in order to take into account the additional contributions submitted to him.

41. Mr. MERNIER (Belgium) said that the representative of Iraq had called in question Belgium's observance of the Treaty. Belgium, which had never become a nuclear State, had signed within the context of the Atlantic Alliance agreements which had always been considered compatible with the Treaty. The allegations of Greenpeace, to which the representative of Iraq had referred, could in no way suffice to establish facts.

42. The CHAIRMAN suggested that the Committee should begin consideration of document CRP.6, submitted by the European Union.

43. Mr. SCHEINMAN (United States of America) said that his delegation wished to study in greater depth the document submitted by the European Union and document CRP.2; it would comment on those documents at the next meeting and circulate its comments as soon as possible. With regard to the Egyptian proposal (document CRP.5), he noted that the representative of Egypt had expressed a desire to reproduce the text adopted in 1985, but a comparison of the two versions showed that whereas the 1985 text said "The Conference noted the great and serious concerns expressed about the nuclear capability of South Africa and Israel", document CRP.5 read "The Conference calls on Israel to renounce possession of nuclear weapons and to accede to the NPT". The United States shared the concern about the fact that the Treaty was not universal and hoped that all peaceful uses of nuclear energy would be subjected to the safeguards system, but felt that instead of singling out one State which was not a party to the Treaty it would be preferable to call on all States which possessed nuclear installations and were not parties to the Treaty to accede to it.

44. The CHAIRMAN suggested that the Committee should take up article VI.

45. Mrs. BRONTE MOULES (Australia) observed that the plan had been to consider articles I and II only; it would be preferable not to change the agenda and to take up article VI at the next meeting, for some members of the Working Group on security assurances and article VII, which was holding a meeting at the same time as Main Committee I, would like to take part in the debate on article VI.

46. The CHAIRMAN said he wished to make the best possible use of the time allocated to the Conference, but article VI would be taken up at the next meeting so as not to put at a disadvantage the delegations taking part in the meeting of the Working Group.

47. Mr. MORADI (Islamic Republic of Iran) said he fully associated himself with the spirit and the letter of the proposal in document CRP.5. All States should support that proposal, for it made a real contribution to the Treaty and its operation.

48. Document CRP.2 submitted by the Secretariat was constructive, but as the representative of Venezuela had observed, it should be considered simply one contribution among others. His delegation agreed with the comments of the representative of Indonesia, the current head of the Non-Aligned Movement. It had sought to make a contribution to the document prepared by Indonesia with a view to its submission to the Committee on behalf of the Non-Aligned Movement.

49. Mr. ELTINAI (Sudan) said that unlike the United States representative, he believed that nuclear arsenals were still being built up and that Israel had not renounced the stockpiling of nuclear weapons, a fact that the nuclear-weapon States could not deny. It was therefore necessary to use stricter terms than in 1985, when note had simply been taken of the fact, and it would also be appropriate, as proposed in paragraph 4 of document CRP.2, to congratulate South Africa, which had given up its nuclear-weapon programme. The reference in paragraph 4 to non-Parties should become the subject of a separate paragraph, in which those States would be requested to understand the spirit of the Treaty and the importance which the international community attached to that vital instrument. It would also be appropriate to congratulate the States of the former Soviet Union which had renounced nuclear weapons and to encourage other States to follow their example.

50. Mr. LAPTSENAK (Belarus) drew attention to the non-automatic character of disarmament measures, such as the very sensitive political decision which Belarus had managed to take concerning the elimination of all nuclear warheads located in its territory, or the contribution made by Belarus, Kazakhstan and Ukraine to attainment of the objectives of the Treaty, thus strengthening regional and international security. Those matters were admittedly referred to in the documents before the Committee, but in view of their importance they should be mentioned in the final document to be adopted by the Conference. His delegation was sure that the Secretariat could prepare the necessary texts, but stood ready to provide assistance if necessary.

The meeting rose at 5.25 p.m.

44. Mr. SUKAYRI (Jordan), referring to paragraph 6 of document WP.2, said that the importance of the universal application of IAEA safeguards should be effectively underlined but that the emphasis should be on universal accession to the Treaty. Accordingly, it would revert to that wording during the drafting of the final document.

The meeting rose at 12.15 p.m